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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,330	11/29/2000	Erick Kinas	10001381-1	3555

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

BURLESON, MICHAEL L

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/727,330

**Applicant(s)**

KINAS, ERICK

**Examiner**

Michael Burleson

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-20 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2 and 3</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted was 11/29/2000. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

1. Claim 3 recites the limitation "linefeed error" in line 24. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. US 6158344.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Walker et al. teaches of spaced calibration marks that overlap (column 7, lines 11-21). The first set of calibration marks read on the base pattern and the overlapping calibration marks read on overlay pattern. This overlapping calibration mark reads on interference pattern. The interval between the marks read on a luminance representative of pattern alignment. Walker et al. teaches a single set of nozzles is used to print a single mark (column 6, lines 23-26). He also teaches that ink jet printers typically have several columns of nozzles (column 3, lines 6-8). Since the invention of Walker et al. is an ink jet printer (column 2, lines 29-30), it is inherent that more than one group of nozzles are used to form the calibration marks. This reads on a first group of nozzles printing a base pattern and a second set of nozzles printing an overlay pattern. Walker et al. teaches of an optical sensor (21), which is used to sense calibration marks (column 1, lines 36-38 and column 2, lines 54-60), which reads on detecting the luminance of the interference pattern with a sensor. Walker et al. also teaches of an actual value which is a known value independent of the printer's media advance mechanism (reference luminance) and he teaches of a nominal value which is

a result of one or more assumed positions (luminance of interference pattern) (column 4, lines 16-33). He also teaches of an error value which is the difference between a nominal value and actual value (column 4, lines 44-45) This reads on comparing the luminance of the interference pattern with a reference luminance to identify a paper advancement error.

Regarding claim 2, Walker et al. teaches that the difference between the nominal and actual values is the positioning error of the media advance mechanism (column 4, lines 47-50), which reads on coordinating the paper advancement error with a position on the media advancement mechanism.

Regarding claim 3, As best understood, Walker et al. teaches that corrected values are supplied to the printer's feed roller position control logic (55) which is used to control the position of the feed roller (column 4, lines 7-15), which reads on adjusting the media advancement mechanism to compensate for the linefeed error.

Regarding claim 4, Walker et al. teaches of an optical sensor (21) (column 2, lines 54-55), which reads on the sensor is an optical detector.

Regarding claim 5, Walker et al. teaches of a pair of calibration marks and overlapping them (column 7, lines 11-13), which reads on base pattern and overlay pattern are identical.

Regarding claim 6, Walker et al. teaches that the calibration marks are printed longitudinally (column 6, lines 20-22). He also teaches that the paper movement is downstream (figure 2). This reads on the overlay pattern is offset from the base pattern along a horizontal axis perpendicular to a media advance direction.

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Regarding claim 7, Walker et al. teaches of overlapping calibration marks in which the difference between the actual interval and the apparent interval is determined for each pair (column 7, lines 11-21). This reads on the reference luminance is the luminance of a second interference pattern.

Regarding claim 8, Walker et al. teaches of a media advance mechanism, which includes a feed roller (12), which reads on the media advancement mechanism includes a feed roller.

***Allowable Subject Matter***

3. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 9, prior art fails to teach of a media advancement mechanism including a pick roller.

4. Claims 10-20 allowed.

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Regarding claim 10, prior art fails to teach of a base sweep including at least a first base pattern and a second base pattern and an overlay sweep including the first overlay pattern is printed on the first base pattern to form a first interference pattern and second overlay pattern is printed on the second base pattern to form a second interference pattern.

Regarding claim 20, prior art fails to teach of a first base sweep and a second base sweep on an x-axis and a first overlay sweep overlaying the first base sweep to form a first calibration line and a second overlay sweep overlaying the second base sweep to form a second calibration line.

**Conclusion**

1. Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (703) 305-8683 and fax number is (703) 746-3006. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (703) 305-4863

Michael Burleson  
Patent Examiner  
Art Unit 2626

MB

KA Williams  
**KIMBERLY WILLIAMS**  
**SUPERVISORY PATENT EXAMINER**

MIb  
September 15, 2004